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**(2011) 07 DEL CK 0417**  
**In the Delhi High Court**  
**Case No : Writ Petition (C) 383 of 2008**

Devi Dass

APPELLANT

Vs

State of Delhi and Others

RESPONDENT

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**Date of Decision :** 13-07-2011

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** (2011) 07 DEL CK 0417

**Hon'ble Judges :** Rajiv Sahai Endlaw, J

**Bench :** Single Bench

**Advocate :** Asit Kumar Roy, for the Appellant; Sana Ansari, for Zubeda Begum, for R-4, N.D. Dalal and D.P. Singh for R-6, for the Respondent

**Final Decision :** Dismissed

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## Judgement

Rajiv Sahai Endlaw. J.

1. The Petitioner claims to be the son of Sh. Bal Kishan who died on 1st December, 1987 while in the employment of Respondent MCD. The Petitioner claims to be about 4 to 5 years of age at that time. He claims that his mother Smt. Raj Rani pre-deceased his father. He however admits that after the demise of his mother his father was residing with the Respondent No. 6 Smt. Dhanwanti, according to the Petitioner illegally because Smt. Dhanwanti were already married. This writ petition was filed in the year 2008 contending that after the demise of the father, the said Smt. Dhanwanti has received pensionary benefits of his father and also appointment with the Respondent MCD as a Safai Karamchari on compassionate ground by representing herself as Raj Rani. The Petitioner seeks investigation into the same and cancellation of the appointment on compassionate ground given to the said Smt. Dhanwanti.

2. Notice of the writ petition was issued and pleadings have been completed. The person impleaded as Smt. Dhanwanti has described herself as Raj Rani and has claimed herself to be the wife of late Sh. Bal Kishan. It is further claimed that

she is employed with the Respondent MCD since prior to the demise of late Sh. Bal Kishan.

3. The counsel for Smt. Dhanwanti/Raj Rani has also contended that in fact Smt. Dhanwanti/Raj Rani brought up and got married the Petitioner and this petition has been filed as a result of subsequent disputes between the two.

4. The counsel for the Petitioner has today stated that he is not making any claim with respect to the pensionary benefits availed of by Smt. Dhanwanti/Raj Rani and has confined the relief in the present petition only to the cancellation of her appointment. He however admits that no prejudice has been caused to him by such employment even if given on compassionate grounds to Smt. Dhanwanti/Raj Rani. 2/

5. In the circumstances aforesaid, this is not deemed to be an appropriate case for exercise of discretionary jurisdiction of this Court under Article 226 of the Constitution of India. The relief to which the writ petition is confined will not benefit the Petitioner in any manner whatsoever. Even otherwise, the disputes raised in the writ petition are factual in nature and cannot be appropriately adjudicated in writ jurisdiction.

The writ petition is accordingly dismissed. No order as to costs.